

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JOSEPH DURAND YOUNG,  
HEAVENLY DIANCA-LADELL ALEXANDER,  
MARTINA CHANELL ALEXANDER, MALREA  
TAMARA ALEXANDER, and LAMARR KEVIN  
ALEXANDER, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KEVIN CARLISLE,

Respondent-Appellant,

and

ROSA ERNESTINE ALEXANDER and THEO  
SIMMONS,

Respondents.

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Before: Zahra, P.J., and Talbot and Owens, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to his minor children under MCL 712A.19b(3)(b)(ii), (c)(i), (c)(ii), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). When the minor children were taken into custody, at least one of them had been sexually abused by an adult, as evidenced by a positive throat culture for gonorrhea, and the children were engaging in extensive sexual activities among themselves. Although respondent-appellant “often” lived with the family, these activities were permitted to continue. Indeed, respondent-appellant never acknowledged the sexual abuse of and among the children. The evidence supports the trial

court's finding that respondent-appellant had the opportunity to prevent sexual abuse of the children, but failed to do so. Further, given respondent appellant's continuing denial and failure to acknowledge any issues of sexual abuse, the trial court did not clearly err by finding that the children would be subject to similar abuse if returned to respondent-appellant.

The primary conditions of adjudication were the sexual abuse of at least one child and the pervasive sexual activity among them. Additionally, respondent-appellant had repeatedly committed domestic violence upon the children's mother. The evidence showed that, well after the children were removed, respondent-appellant held the children's mother at knifepoint in her home, demonstrating that he had not resolved his problem with domestic violence. As already noted, respondent-appellant continued to deny any issues of sexual abuse. Given respondent-appellant's denial, the trial court was justified in concluding that respondent-appellant remained unable to protect his children from sexual abuse. The trial court therefore did not clearly err by finding that the conditions of adjudication continued to exist and that there was no reasonable likelihood that these conditions would be rectified in the reasonable future.

After the adjudication, allegations arose that respondent-appellant was the perpetrator of sexual abuse upon one of the minor children. Because the record is somewhat unclear regarding the holding of a hearing on these charges, we decline to rely on MCL 712A.19b(3)(c)(ii) as a basis for affirmance of the termination of parental rights. We do note, however, that respondent-appellant has not asserted that he did not receive notice and a hearing on these allegations. In any event, termination need only be supported by one statutory ground. *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999).

The trial court did not err by finding that respondent-appellant failed to provide proper care and custody for the minor children and would be unable to do so within a reasonable time considering their ages. The sexual abuse and sexual acting out of the children and respondent-appellant's history of domestic abuse against the children's mother supplies clear and convincing evidence of his failure to provide proper care and custody. Moreover, in view of respondent-appellant's continuing failure to acknowledge any sexual abuse, it appears unlikely that respondent-appellant will be able to secure proper treatment and care for the children and protect them from being victimized in the future. We disagree with respondent-appellant's assertion that he substantially complied with the parent-agency agreement. Respondent-appellant did not complete the required psychological examination until November 2001, well over a year after the case was adjudicated. Moreover, he violated the provision requiring him to comply with the law and refrain from threatening or intimidating any party when he held respondent mother at knifepoint in her home. Under these circumstances, the trial court did not clearly err by terminating respondent-appellant's parental rights pursuant to MCL 712A.19b(3)(g).

Similarly, there was clear and convincing evidence that the children would be at risk of harm if returned to respondent-appellant. His complete failure to address or even acknowledge the issue of sexual abuse indicates little likelihood that respondent-appellant could seek appropriate care and protect the minor children from further harm.

Finally, we are not left with a conviction that the trial court erred by finding that termination was not contrary to the best interests of the children. The children have significant emotional and psychological needs. In the absence of even an acknowledgement that sexual abuse occurred, it is unlikely that respondent-appellant could meet these needs. While there was

also evidence that respondent-appellant had a bond with the children, the evidence was not such as to leave this Court with any impression that a mistake was made by the trial court.

Affirmed.

/s/ Brian K. Zahra  
/s/ Michael J. Talbot  
/s/ Donald S. Owens